

**CITY COUNCIL MEETING MINUTES
THURSDAY, APRIL 8, 2021 – 7:00PM
MUSIC PIER, 825 BOARDWALK
OCEAN CITY, NEW JERSEY**

ATTENDANCE: Ms. Bergman, Mr. DeVlieger, Mr. Hartzell, Mr. Levchuk, Mr. Madden (Absent), Mr. Rotondi and Mr. Barr. Present also was Business Administrator, Mr. Savastano, Solicitor, Ms. McCrosson, and Aide to the Mayor, Michael Allegretto.

Council President Mr. Barr called the meeting to order and asked everyone to rise for the flag salute and prayer. Mr. Hartzell led the prayer. Mr. Barr announced that adequate notice of this meeting has been given pursuant to Public Law 1975, Chapter 231.

CITIZEN COMMENT:

Nelson Dice – 12th and Central – read John Chapter 8 from the Bible.

Donna Moore – 21 Ocean Ave – asked for a moment of silence for the January 6th; the day of the capital siege. She said she had gratitude for Resolution No. 5 on the agenda and she said she would like Resolution No.'s 11 and 15 removed for further discussion and asked that council give the Sentinel time to comply with the laws.

Bill O'Neill – 2419 Apt 20 Bay Ave – referenced NJSA 40-53-1 and said that the Sentinel should remain as the city's official newspaper.

300 Ocean Ave Apt 40 – spoke on behalf of Donna Moore and expressed her thoughts about the Sentinel; it is a 140 year old publication and said that Resolution No.'s 11 and 15 merits a pause.

Dave Breeden – 114 Victoria Lane – met with the Mayor, Business Administrator, and aide to the Mayor to discuss issues concerning ACT Engineers and said that it was a successful and beneficial meeting; he thanked them for taking the time to meet with him. Also, Mr. Breeden spoke about the Sentinel and said that they must be in compliance with state law in order to be designated at the City's official newspaper for legal advertisements.

Marty Mozzo – 3803 Westminster Lane – said that he is an experienced engineer and he spoke about flood mitigation particularly in Merion Park. He said he has many issues with the proposal from ACT Engineers and that Phase II has not yet been completed. He has given a report to administration and ACT with his concerns regarding ACT Engineers and has not received a response as of yet.

Suzanne Hornick – 30th and West – said that she has sent an email to city council and administration on behalf of the flooding committee and she asked for a response. Also, she said that she is not in favor of removing the Sentinel as the city's official newspaper. Ms. Hornick expressed that the flooding committee is not happy with ACT Engineers and said that the city should move on and stop doing business with them.

REPORTS – MAYOR & ADMINISTRATION:

Mr. Allegretto provided a report on behalf of the Mayor who was unable to attend the council meeting. He reported about the car lot at 16th and Haven and said that the city plans to have a town meeting in the fall. Also, the lights on the bridge will be blue this month in recognition of Autism Awareness.

Mr. Savastano reported that he spoke with Leon Costello regarding the LFN being issued about the stimulus funds from the federal government and how that money can be used. Also, he asked that Resolution No. 1 be pulled from the consent agenda for further discussion prior to city council's vote.

REPORTS – CITY COUNCIL:

Ms. Bergman gave a full detailed report on the Tourism Commission and she distributed booklets to city council and administration for their review.

Mr. Rotondi spoke and asked questions about the state statute that refers to the paper of record being published and printed in the State of New Jersey.

Mr. Hartzell said that city council will not supersede a state law regarding the Sentinel.

Mr. DeVlieger said that he plans to abstain from voting on Resolution No.'s 11 and 15.

Mr. Barr informed everyone that the Sentinel needs to provide proof of compliance before the city moves forward with designating them as the city's official newspaper.

APPROVAL OF MINUTES:

Mr. Barr asked for a motion to adopt the regular city council meeting minutes of Thursday, March 25, 2021. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed with the exception of Ms. Bergman who abstained.

ORDINANCES: FIRST READING & INTRODCUTION:

Mr. Barr asked for a motion to take up Ordinance No. 21-11 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-11 – An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City (Stormwater Management)**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. Also, this ordinance will go before the planning board for consistency review. Mr. Barr asked for a motion to adopt Ordinance No. 21-11 on first reading. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. Mr. Barr announced that second reading and public hearing is scheduled for Thursday, May 13, 2021 and will be published according to law.

Mr. Barr asked for a motion to take up Ordinance No. 21-12 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-12 – An Ordinance Authorizing the City of Ocean City to Convey Its Interest, If Any, In the Lands Adjacent to Block 1709, Lot 39 to Eugene V. Alessandroni & Maria L. Alessandroni for the Sum of \$1.00 Via Quit Claim Deed**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr asked for a motion to adopt Ordinance No. 21-12 on first reading. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed. Mr. Barr announced that second reading and public hearing is scheduled for Thursday, April 22, 2021 and will be published according to law.

Mr. Barr asked for a motion to take up Ordinance No. 21-13 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-13 - An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr asked for a motion to adopt Ordinance No. 21-13 on first reading. Motion moved by Mr. Hartzell, seconded by Ms. Bergman. All ayes followed. Mr. Barr announced that second reading and public hearing is scheduled for Thursday, April 22, 2021 and will be published according to law.

Mr. Barr asked for a motion to take up Ordinance No. 21-14 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-14 – An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr asked for a motion to adopt Ordinance No. 21-14 on first reading. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. Mr. Barr announced that second reading and public hearing is scheduled for Thursday, April 22, 2021 and will be published according to law.

Mr. Barr asked for a motion to take up Ordinance No. 21-15 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-15 – An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City (Eliminate Senior Citizen Housing as a Conditional Use on the Boardwalk Zone**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. Also, this ordinance will go before the planning board for consistency review. There was some discussion. Mr. Barr asked for a motion to adopt Ordinance No. 21-15 on first reading. Motion moved by Mr. Hartzell, seconded by Mr. Levchuk. All ayes followed. Mr. Barr announced that second reading and public hearing is scheduled for Thursday, May 13, 2021 and will be published according to law.

ORDINANCES: SECOND READING & PUBLIC HEARING:

Mr. Barr asked for a motion to take up Ordinance No. 21-06 on second reading. Motion moved by Mr. Hartzell, seconded by Ms. Bergman. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-06 – An Ordinance Amending Chapter XXV, Ocean City Zoning and Land Development Ordinances of the City of Ocean City, Section 25-203.5, “Prohibited Uses and Structures In All Zones” (Prohibiting Businesses Which Cultivate, Manufacture, Test or Sell Marijuana, Hashish and/or Cannabis and Related Paraphernalia)**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr opened the meeting up for public comment.

Nelson Dice – 12th and Central – opposed to all smoking as it is unhealthy, poisonous and offensive. He supports prohibiting smoking anywhere in public.

Dave Breeden – 114 Victoria Lane – thanked city council and administration for this ordinance as it helps to maintain family values.

Mr. Barr closed the public comment portion of the meeting and asked for a motion to adopt Ordinance No. 21-06 on second reading. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed.

Mr. Barr asked for a motion to take up Ordinance No. 21-07 on second reading. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-07 – An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr opened the meeting up for public comment and no one wished to speak. Mr. Barr closed the public comment portion of

the meeting and asked for a motion to adopt Ordinance No. 21-07 on second reading. Motion moved by Mr. Hartzell, seconded by Ms. Bergman. All ayes followed.

Mr. Barr asked for a motion to take up Ordinance No. 21-08 on second reading. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-08 – An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr opened the meeting up for public comment.

Nelson Dice – 12th and Central – said the ordinance is not clear enough.

Mr. Barr closed the public comment portion of the meeting and asked for a motion to adopt Ordinance No. 21-08 on second reading. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed.

Mr. Barr asked for a motion to take up Ordinance No. 21-09 on second reading. Motion moved by Mr. DeVlieger, seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-09 – An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr opened the meeting up for public comment and no one wished to speak. Mr. Barr closed the public comment portion of the meeting and asked for a motion to adopt Ordinance No. 21-09 on second reading. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed.

Mr. Barr asked for a motion to take up Ordinance No. 21-10 on second reading. Motion moved by Mr. Hartzell, second by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 21-10 – An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**

Solicitor, Ms. McCrosson provided an explanation on the ordinance. There was some discussion. Mr. Barr opened the meeting up for public comment and no one wished to speak. Mr. Barr closed the public comment portion of the meeting and asked for a motion to adopt Ordinance No. 21-10 on second reading. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

21-57-344 - #2 - A Resolution Authorizing the Advertisement of City Contract #21-14, Reconditioning of the Ocean City Community Center Pool Dehumidification Unit

21-57-345 - #3 - A Resolution Authorizing the Advertisement of City Contract #21-16, Digital Recording Production Services for the City of Ocean City and the Members of the Ocean City Cooperative Pricing System (251COCCPS)

21-57-346 - #4 - A Resolution Authorizing the Award of City Contract #19-34, City Hall Restroom Improvements

21-57-347 - #5 - A Resolution Authorizing the Award of City Contract #21-19, Maintenance of City Grounds & Garden Plots

21-57-348 - #6 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City and Mark S. Ruderman, Esquire of Ruderman & Roth for Labor Counsel Services for the 2021 Calendar Year

21-57-349 - #7 - A Resolution Authorizing the Award of a Contract to Cross Country Cowboy Company, Inc. for Citywide Barrier Netting Maintenance & Repair

21-57-350 - #8 - A Resolution Authorizing the Award of a Contract to Nickolaus Construction Co., Inc for Repairs at Various Tennis & Pickleball Courts

21-57-351 - #9 - A Resolution Authorizing Change Order #1, Final Acceptance & Final Payment for City Contract #20-06, HVAC Renovations at the Ocean City Community Center

21-57-352 - #10 - A Resolution Authorizing the Sale of Abandoned Bicycles & Surplus City Property through Public Auction to be held on Wednesday, July 14, 2021, Rain Date: Thursday, July 15, 2021

21-57-354 - #12 - A Resolution Approving Tax Overpayment Refund 2021-10 & 2021-11

21-57-355 - #13 - A Resolution Establishing Rules and Regulations for Proper Control and Regulation of the Beachfront

21-57-356 - #14 - A Resolution Authorizing the Payment of Claims

Mr. Barr asked for a motion to adopt the consent agenda. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed.

RESOLUTIONS – NON- CONSENT:

The city clerk read the title of the following resolution: **#1 - A Resolution Authorizing the Award of a City RFP #21-04, W. 17th Street Flood Mitigation Concept & Construction Design**

Mr. Savastano provided an explanation on the resolution and there was discussion between the governing body and Mr. Savastano.

Mr. Barr opened the meeting up for public comment and no one wished to speak. Mr. Barr asked for a motion to adopt Resolution No. 1. Motion moved by Ms. Bergman, seconded by Mr. Rotondi. All nays followed with the exception of Ms. Bergman who voted yes. Resolution No. 1 was not adopted.

The city clerk read the title of the following resolution: 21-57-353 - #11 - A Resolution Stating that the Newspaper Designated by the City Council as the City's Official Newspaper Shall Comply with the Requirements of the State of New Jersey and that Failure to So Comply Shall be Reported to the Division of Local Government Services

Mr. DeVlieger stated that he wished to abstain from voting on this resolution. Mr. Barr opened the meeting up for public comment.

Nelson Dice – 12th and Central – said that the author of the article is responsible for his words, not the editor and the success of the town is due to the Sentinel. He said it is ironic that city council is taking quick action regarding the article submitted and published but the crimes against his family are being ignored.

Mr. Barr closed the public comment portion of the meeting and asked for a motion to adopt Resolution No. 11. Motion moved by Mr. Hartzell, seconded by Ms. Bergman. All ayes followed with the exception of Mr. DeVlieger who abstained.

The city clerk read the title of the following resolution: 21-57-357 - #15 - A Resolution Removing the Ocean City Sentinel as an Official Newspaper and Designating the Press of Atlantic City and Sunday Press of Atlantic City as the Official Newspapers of the City of Ocean City

Mr. DeVlieger stated that he wished to abstain from voting on this resolution. Mr. Barr opened the meeting up for public comment.

Nelson Dice – 12th and Central – said that this resolution is absurd and that it negatively is impacting communication and comprehension.

Mr. Barr closed the public comment portion of the meeting and asked for a motion to adopt Resolution No. 15. Motion moved by Mr. Hartzell, seconded by Mr. Rotondi. All ayes followed with the exception of Mr. DeVlieger who abstained.

PENDING BUSINESS:

Mr. DeVlieger spoke about the public meetings being held by BOEM regarding the wind mills being held on the 13th, 15th and 20th. You can register online at boem.gov/oceanwind.

Ms. Bergman thanked Ms. Courtney Huff (Department of Community Services) for her assistance getting appointments scheduled for the COVID vaccine.

Mr. Barr gave his sincere thoughts out to the Gillian family regarding Michele's mother.

NEW BUSINESS:

Mr. DeVlieger said that he sends his thoughts and prayers out to Michele Gillian and her family.

Mr. Hartzell said that he sends his thoughts and prayers out to Michele Gillian and her family. He also spoke about the Atlantic City Convention Center (COVID vaccines) and said that FEMA is doing a great job, it is very well run and he thanked the department of Community Services for helping people to get appointments.

Mr. Levchuk said that the Easter egg hunt on the boardwalk was very successful and was a great time.

Mr. Tomaso said that he commends Mr. Levchuk on his honesty and that he is very brave to speak about being a medical marijuana patient. Mr. Tomaso also said that as a councilman he will continue to ask questions and will talk to people about their views and ideas. The Easter egg hunt on the boardwalk was packed and he said it would be a great idea to look at different strategies for holding events in the city rather than cancelling them.

Ms. Bergman spoke about how well the Easter egg hunt was on the boardwalk this year and also said it is a good idea to come up with a creative way to have the block party on Asbury Avenue.

CITIZEN COMMENT:

Nelson Dice – 12th and Central – read Proverbs 25 and talked about he the process of official misconduct.

Donna Moore – 21 Ocean Ave – spoke about the importance of balances in regard to tax payer money and also spoke about the harmful effects of pesticides being used on city land.

ADJOURN:

Mr. Barr asked for a motion to adjourn. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. Meeting adjourned at 10:47 p.m.



Melissa Rasner, City Clerk